

(6)

SINGLE BENCH

(1) CF 1072

IN THE HIGH COURT OF CHHATTISGARH
AT BILASPUR (C.G.)
WRIT PETITION (C) NO. 157 /2007

PETITIONERS
PLAINTIFFS

: / 1. Ashok Tripathi
S/o Shri Harishankar
Tripathi, Aged about 50
years .

/ 2. Abhishek Tripathi
S/o Shri Ashok Tripathi
Aged about 25 years

Both resident of Geetanjali
Nagar Tehsil Bilaspur, Dist.
Bilaspur (Chhattisgarh).

P.R. No. 659/07
Presented by Shri Mula Subbarao
dated 22/11/07

VERSUS

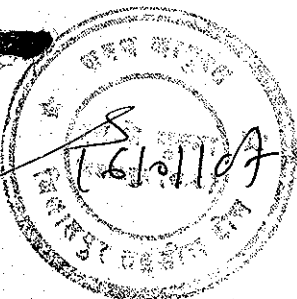
RESPONDENTS
DEFENDANTS

: / 1. Inderjeet Singh Saluja
S/o Late Shri Teja Singh
Saluja , Aged about 53
years , Resident of Adarsh
Nagar, Tehsil and Dist.
Bilaspur Chhattisgarh

/ 2. Municipal Corporation
Bilaspur Through
Commissioner, Municipal
Corporation, Bilaspur
Chhattisgarh

WRIT PETITION UNDER ARTICLE 227 OF THE
CONSTITUTION OF INDIA FOR ISSUANCE OF
APPROPRIATE WRIT IN THE NATURE OF MANDAMUS,
CERTIORARI AND FOR ISSUANCE OF OTHER SUITABLE
WRITS, DIRECTION OR DIRECTIONS, ORDER OR
ORDERS

(1) **PARTICULARS OF THE PETITIONER**
As shown in the cause title .



आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	<u>6-2-2007</u> Shri Amrito Das, Advocate for the petitioners. Heard. This petition is directed against the orders of Annexure P-1 dated 13-10-2006 and 10-1-2007 whereby the objection of the petitioners filed under Order 26 Rule 10 read with Section 151 of C.P.C. against the report of Commissioner has been rejected. Grievance of the petitioners is that Commissioner was appointed for local inspection with a specific purpose in the year 2001, however the Commissioner in his report dated 11-6-2001 traveled beyond the reference. It is also objected that though the local inspection was to be conducted in presence of the parties but the same was done behind the back of the petitioners without issuing any notice to them. The Court below by the impugned order has rejected the objection without deciding the specific objection raised by the petitioners. From the perusal of documents annexed with the petition, it is clear that the Commissioner submitted a report in the year 2001 and thereafter he was examined on oath and he was subjected to lengthy cross-examination by the petitioners. If there is any anomaly in the report of the Commissioner, the same can only be brought to the notice of the Court during final argument.	

P.T.O.

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	For the aforesaid reasons, this Court is of the considered opinion that there is no illegality in the impugned order occasioning grave injustice or failure of justice to the parties, which calls for interference by this Court in the exercise of jurisdiction vested under Article 227 of the Constitution of India. The petition is liable to be dismissed and is dismissed at admission stage itself. However, it is made clear that the trial Court shall decide the case on its own merits in accordance with law without being influenced by any observation made in this order.	Sd/- Dhirendra Mishra Judge